

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STEPHEN BAIN,

Plaintiff,

-against-

INITIAL DISCOVERY

FRCP 26(a)(1)

07 CIV 8021 (VM)

THE CITY OF NEW YORK, THE NEW
YORK CITY POLICE DEPARTMENT,
METROPOLITAN TRANSPORTATION
AUTHORITY, METROPOLITAN
TRANSPORTATION POLICE DEPARTMENT,
LONG ISLAND RAILROAD d/b/a
MTA LONG ISLAND RAILROAD,
LONG ISLAND RAILROAD POLICE
DEPARTMENT, PO ROBERT
ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES"
(names not know and fictitious)- POLICE
OFFICER,

Defendants.

-----X

Defendants, METROPOLITAN TRANSPORTATION AUTHORITY,
METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG
ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND
RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO
DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) -
Police Officers by attorneys, LEWIS JOHS AVALLONE AVILES, LLP., as and for their
Initial Discovery Demand Pursuant to Federal Rules of Civil Procedure §26(a)(1) as follows:

(A) Witnesses

MTA Police Officer Daniel McDade, One Penn Station, New York, New York

10001; MTA Police Officer Robert A. Aronson, One Penn Station, New York, New York
10001; New York City Police Officer Sargent Gaudino, New York City Police Department
Truck No.1; New York City Police Officer Perez, Shield No.: 2060, New York City Police
Department Truck No.: 1; New York City Police Wendler, Shield No.: 2802, New York City
Police Department Truck No.: 1; MTA Police Officer Interdonati, MTA Police Department,
Penn Station, New York ; MTA Police Officer Tully, MTA Police Department, Penn Station,
New York, New York; MTA Police Officer Smith, MTA Police Department, Penn Station,
New York; MTA Police Officer Prego, MTA Police Department, Penn Station, New York;
MTA Police Sargent Dittrich, MTA Police Department, Penn Station, New York, New York;
MTA Police Officer Lieutenant Nutter, MTA Police Department, Penn Station, New York.

(B) **Documents**

Exhibit "A" Incident Report MTA Police Department 06-02112 (13 pages)

Exhibit "B" Supplements to Incident Report/MTA Police Department 06-12112 (3
pages).

(C) **Damages/Computations.** Not applicable to defendants.

(D) **Insurance.** All defendants herein are self-insured via the Metropolitan Transportation Authority.

Dated: Riverhead, New York
January 30, 2008

Yours, etc.

LEWIS JOHS AVALONE AVILES, LLP
Attorneys for Defendants
METROPOLITAN TRANSPORTATION
AUTHORITY, METROPOLITAN
TRANSPORTATION AUTHORITY POLICE
DEPARTMENT, LONG ISLAND RAILROAD d/b/a
MTA LONG ISLAND RAILROAD, LONG ISLAND
RAILROAD POLICE DEPARTMENT, PO ROBERT
ARONSON - shield 02300, PO DANIEL MCDADE -
shield 2020, and "JOHN DOES" (names not known
and fictitious) - Police Officers
21 East Second Street
Riverhead, New York 11901
631.369.7609

By: 

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES
Attorneys for Plaintiff
30 Vesey Street, 15th Floor
New York, New York 10007
212.766.1177

MICHAEL A. CARDOZO,
Corporation Counsel of the City of New York
Attorneys for Defendants
CITY OF NEW YORK and NEW YORK CITY
POLICE DEPARTMENT
100 Church Street
Room 3-199
New York, New York 10007
Att: Carolyn Chen, Esq.

Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE
9TH FLOOR

Reported Date
09/13/2006
Nature of Call
ASSALT
Officer
MCDADE, DANIEL F

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No ORIG	Reported Date 09/13/2006	Reported Time 01:11	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Time 00:28
Officer M86596/MCDADE, DANIEL F			Assignment DISTRICT 4 B TOUR		2nd Officer ARONSON, ROBERT A	
Assignment DISTRICT 4 B TOUR		Entered by D86418	Assignment PATROL SERGEANT		RMS Transfer Successful	Property? NONE
Org Nature of Call 1013	CTV County of New York	Approving Officer D86418		Approval Date 09/15/2006		
Approval Time 03:39:54						
COPY TO IAB (RECORD USE ONLY) Yes		NYSPIN CK MADE-NO HIT Yes		OC DISCHGE-COPY TO TRN Yes		
# Offenses 1	Offense NY PL 120.10	CF1	Description ASSAULT-1ST		Complaint Type C	Use 0
#Pr 1	MOE 88	Act 13A	IBRS 1	No 1	Bias 77	Loc 06
# Offenses 2	Offense NY PL 120.08	CF0	Description ASLT: POLICE OFF/FIRE		Complaint Type C	Use 0
#Pr 2	MOE 88	Act 13A	IBRS 2	No 2	Bias 77	Loc 06
# Offenses 3	Offense NY PL 120.05	03 DF2	Description ASLT W/INT CAUS PH I		Complaint Type C	Use 0
#Pr 3	MOE 88	Act 13A	IBRS 3	No 3	Bias 77	Loc 06
# Offenses 4	Offense NY PL 205.30	AMO	Description RESISTING ARREST		Complaint Type C	Use 0
#Pr 4	MOE 90Z	Act 4	IBRS 4	No 4	Bias 77	Loc 06
# Offenses 5	Offense NY PL 240.20	01 OVO	Description DIS/CON: FIGHT/VIOLEN		Complaint Type C	Use 0
#Pr 5	MOE 90C	Act 5	IBRS 5	No 5	Bias 77	Loc 06
# Offenses 6	Offense NY PL 240.20	02 OVO	Description DIS/CON: UNREASONABLE		Complaint Type C	Use 0
#Pr 6	MOE 90C	Act 6	IBRS 6	No 6	Bias 77	Loc 06
# Offenses 7	Offense NY PL 240.20	03 OVO	Description DIS/CON: OBSCENE LANG		Complaint Type C	Use 0
#Pr 7	MOE 90C	Act 7	IBRS 7	No 7	Bias 77	Loc 06

Person Summary

Invl *EM	Invl No 1	Type I	Name WALLACE	MNI 343111	Race W	Sex M	DOB
Invl *EM	Invl No 2	Type I	Name RAMOS	MNI 343113	Race U	Sex M	DOB
Invl *PD	Invl No 1	Type L	Name SGT GLAUDINO	MNI	Race U	Sex M	DOB
Invl *PD	Invl No 2	Type L	Name PO PEREZ	MNI	Race U	Sex M	DOB

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 1 of 13
Supervisor Signature		

M.T.A. POLICE DEPARTMENT

36-12112

Person Summary

Invl *PD	Invl No 3	Type L	Name PO WENDLER	MNI	Race W	Sex M	DOB
Invl AID	Invl No 1	Type L	Name PO MCDADE	MNI	Race W	Sex M	DOB
Invl ARO	Invl No 1	Type L	Name PO ARONSON	MNI	Race W	Sex M	DOB
Invl ARR	Invl No 1	Type I	Name BAIN, STEPHEN O	MNI 343110	Race W	Sex M	DOB 07/11/1977
Invl ASO	Invl No 1	Type L	Name PO INTERDONATI	MNI	Race W	Sex M	DOB
Invl ASO	Invl No 2	Type L	Name PO TULLY	MNI	Race W	Sex M	DOB
Invl ASO	Invl No 3	Type L	Name PPO SMITH	MNI 343112	Race W	Sex M	DOB
Invl ASO	Invl No 4	Type L	Name PO PREGO	MNI	Race W	Sex M	DOB
Invl PSV	Invl No 1	Type L	Name SGT DITTRICH	MNI	Race W	Sex M	DOB
Invl PSV	Invl No 2	Type L	Name SGT SMITH	MNI	Race W	Sex M	DOB
Invl PSV	Invl No 3	Type L	Name LT NUTTER	MNI	Race W	Sex M	DOB
Invl VIC	Invl No 1	Type S	Name PSNY	MNI 343114	Race	Sex	DOB

Vehicle Summary

Invl AMB	Type 0	License No 08C	State NY	Lic Year 2006	Year	Make *AMB	Model	Style AM	Color
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Summary Narrative

Arrest of one male for assaulting a police officer resulting in physical injury at Penn Station. Member of service received injuries to left leg and head. Injured prisoner received lacerations to face and OC spray exposure. Injured member of service and injured prisoner removed to hospital for treatment.

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Incident Report

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M.T.A. POLICE DEPARTMENT

EMS PERSONNEL - GENERAL 1: WALLACE

Involvement		Seq	Type	Name
EMS PERSONNEL - GENERAL		1	INDIVIDUAL	WALLACE
MNI	Race	Sex		
343111	WHITE	MALE		
Type		ID No		
EMS/FIRE ID NUMBER (SHIELD-ETC)		6943		
Employer/School		Position/Grade		
EMS		EMT		

EMS PERSONNEL - GENERAL 2: RAMOS

Involvement		Seq	Type	Name
EMS PERSONNEL - GENERAL		2	INDIVIDUAL	RAMOS
MNI	Race	Sex		
343113	UNKNOWN	MALE		

LAW ENFORCEMENT-GENERAL 1: SGT GLAUDINO

Involvement		Seq	Type		
LAW ENFORCEMENT-GENERAL		1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name		Race	Sex		
SGT GLAUDINO		UNKNOWN	MALE		
Type	ID No				
PD SHIELD	744				
Employer/School		Position/Grade			
NEW YORK CITY POLICE DEPT		ESU SGT			
Location					
TRUCK # 1					

LAW ENFORCEMENT-GENERAL 2: PO PEREZ

Involvement		Seq	Type		
LAW ENFORCEMENT-GENERAL		2	LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name		Race	Sex		
PO PEREZ		UNKNOWN	MALE		
Type	ID No				
PD SHIELD	2060				
Employer/School		Position/Grade			
NEW YORK CITY POLICE DEPT		ESU PO			
Location					
TRUCK # 1					

LAW ENFORCEMENT-GENERAL 3: PO WENDLER

Involvement		Seq	Type		
LAW ENFORCEMENT-GENERAL		3	LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name		Race	Sex		
PO WENDLER		WHITE	MALE		
Type	ID No				
PD SHIELD	2802				
Employer/School		Position/Grade			
NEW YORK CITY POLICE DEPT		ESU PO			
Location					
TRUCK # 1					

AIDED 1: PO MCDADE

Involvement	Seq	Type				
AIDED	1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY				
Name		Race	Sex			
PO MCDADE		WHITE	MALE			
Type	ID No					
PD SHIELD	2020					
Employer/School		Position/Grade				
MTA POLICE DEPT		OFFICER				
Location		City	State	Phone Type		
PENN STA		MANHATTAN	NEW YORK	BUSINESS		
Phone No						
(212) 643-5075						

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Supervisor Signature		

Incident Report

M.T.A. POLICE DEPARTMENT

Medical

Injury Place 30 PENN STATION	Injury Date 09/13/2006	Injury Time 00:20:00	Injured At Work? Yes
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Location/Type of Injury
SEVERE PAIN/SWELLING TO LEFT LEG/ANKLE - SWELLING TO FOREHEAD

How Injured
RCVD DURING ARREST PROCESS IN WHICH PERP DID ASSAULT OFFICER/PUSH DOWN STAIRS

ARRESTING OFFICER 1: PO ARONSON

Involvement ARRESTING OFFICER	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO ARONSON	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2300
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
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Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

ARRESTED PERSON 1: BAIN,STEPHEN O

Involvement ARRESTED PERSON	Seq 1	Type INDIVIDUAL	Name BAIN,STEPHEN O	MNI 343110
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Race WHITE	Sex MALE	DOB 07/11/1977	Age 29	Ethnicity NON HISPANIC	Juvenile? No	Height 5'09"	Weight 175#	To Weight 200#
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Hair Color BLONDE/STRAWBERRY	Eye Color HAZEL	Skin FAIR	Means of Attack HANDS/FIST/FEET/ETC.
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Extent of Injury APPEARED TO BE SERIOUSLY INJURED	Dom Violence No	Gen Appearance CASUAL/CLEAN	Build MUSCULAR
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Hair Description MESSY/UNKEPT/STRAIGHT	Speech LOUD	Demeanor ANGRY/IRRATIONAL
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Body Clothing SHIRT/PANTS	Arr Res Status RESIDENT	OFN_INVL 1
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Offender Cond APPEARS TO BE IMPAIRED WITH ALCOHOL

Type HOME ADDRESS	Address 119 KELVIN AVE	City STATEN ISLAND
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State NEW YORK	ZIP Code 10306
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Type OPERATOR LICENSE/STATE ID CARD	ID No 323357316	OLS NEW YORK
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Description of Shirt RED SHIRT	Description of Pants BLUE DENIM JEANS
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Involvement SUMMARY ARREST	Arrest Type CRIME IN PROGRESS	Arrest Date 09/13/2006	Arrest Time 00:25:00	Booking No 06-9073	Status HELD
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Arrest Location 30 PENN STATION	City MANHATTAN	Fingerprt Taken? Yes	Mug? Yes
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Armed NOT REPORTED

Charge NY PL 120.10	CF1	Charge Literal ASSAULT-1ST	A/C C
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Charge NY PL 120.08	CF0	Charge Literal ASLT:POLICE OFF/FIRE	A/C C
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Charge NY PL 120.05	03	DF2	Charge Literal ASLT W/INT CAUS PH I	A/C C
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Charge NY PL 205.30	AM0	Charge Literal RESISTING ARREST	A/C C
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Charge NY PL 240.20	01	OVO	Charge Literal DIS/CON:FIGHT/VIOLN	A/C C
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Charge NY PL 240.20	02	OVO	Charge Literal DIS/CON:UNREASONABLE	A/C C
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M.T.A. POLICE DEPARTMENT

Medical

Injury Place 30 PENN STATION	Injury Date 09/13/2006	Injury Time 00:20:00	Injured At Work? No
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Location/Type of Injury LACERATIONS TO FACE / O.C. SPRAY EXPOSURE TO FACE
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How Injured RCVD WHILE RESISTING ARREST - SUBJECT SPRAY WITH 10% OC SPRAY & FELL DOWN STAIRS

ASSISTING OFFICER 1: PO INTERDONATI

Involvement ASSISTING OFFICER	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO INTERDONATI	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2481
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
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Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

ASSISTING OFFICER 2: PO TULLY

Involvement ASSISTING OFFICER	Seq 2	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO TULLY	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2090
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
------------------------------------	---------------------------

Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

ASSISTING OFFICER 3: PPO SMITH

Involvement ASSISTING OFFICER	Seq 3	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PPO SMITH	MNI 343112	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2565
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
------------------------------------	---------------------------

Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

ASSISTING OFFICER 4: PO PREGO

Involvement ASSISTING OFFICER	Seq 4	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO PREGO	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2280
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
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Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

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Supervisor Signature

Incident Report

M.T.A. POLICE DEPARTMENT

PATROL SUPERVISOR 1: SGT DITTRICH

Involvement	Seq	Type			
PATROL SUPERVISOR	1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name	SGT DITTRICH		Race	Sex	
			WHITE	MALE	
Type	ID No				
PD SHIELD	393				
Employer/School	MTA POLICE DEPT		Position/Grade	SERGEANT	
Location	PENN STA		City	State	Phone Type
			MANHATTAN	NEW YORK	BUSINESS
Phone No	(212) 643-5075				

PATROL SUPERVISOR 2: SGT SMITH

Involvement	Seq	Type			
PATROL SUPERVISOR	2	LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name	SGT SMITH		Race	Sex	
			WHITE	MALE	
Type	ID No				
PD SHIELD	303				
Employer/School	MTA POLICE DEPT		Position/Grade	SERGEANT	
Location	PENN STA		City	State	Phone Type
			MANHATTAN	NEW YORK	BUSINESS
Phone No	(212) 643-5075				

PATROL SUPERVISOR 3: LT NUTTER

Involvement	Seq	Type			
PATROL SUPERVISOR	3	LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name	LT NUTTER		Race	Sex	
			WHITE	MALE	
Type	ID No				
PD SHIELD	12				
Employer/School	MTA POLICE DEPT		Position/Grade	LIEUTENANT	
Location	PENN STA		City	State	Phone Type
			MANHATTAN	NEW YORK	BUSINESS
Phone No	(212) 643-5075				

VICTIM/COMPLAINANT 1: PSNY

Involvement	Seq	Type	Name
VICTIM/COMPLAINANT	1	SOCIETY/PUBLIC/PSNY	PSNY
MNI	343114		

IBRS Info

Victim Seq	Offense Codes
1	1/2/3/4/5/6/7

Vehicle: 08C

Involvement	Type	License No	State	Lic Year	Lic Type
AMBULANCE - GENERAL	AMBULANCE	08C	NEW YORK	2006	AMBULANCE
Make	Style				
AMBULANCE - GENERAL	AMBULANCE				

Modus Operandi

Gang Act?	Weapon Used	Premise Type	Victim's Race	Victim's Sex
No	PHYSICAL-HANDS-FEET-FISTS	LIRR PROP-OPEN TO PUBLIC	WHITE	MALE
Victim's Age	Vulnerability	Victim's Action		
17 - 25 YEARS IF AGE	POLICE OFFICER	ON STAIRS		
Suspect Action				
SPIT AT VICTIM OR WITNESS/STRUCK VICTIM/MADE THREATS				
Crime Code(s)				
ASSAULT				

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M.T.A. POLICE DEPARTMENT

Narrative

On 9/13/06 at approximately 0020 hours, PO McDade and PO Aronson did observe a male subject, later identified as Stephen Bain, shouting profanities in the 8th Avenue Concourse of Penn Station. Officers further observed the male subject aggressively approach a male subject not known to him and attempt to physically assault him. Officers initially approached the subject and advised him to depart the area. The subject was not compliant with the officer's request to depart the area. Upon approaching the subject again, the subject was advised that he was under arrest at which time he fled on foot away from the officers in the vicinity of track # 17. PO McDade and PO Aronson attempted to place the subject under arrest at which time the subject did resist by flailing his arms and body and intentionally shoving the officer. PO McDade and the subject fell down the stair case of track # 17 descending to the first landing of the stair case where the subject continued to physically resist and assault the officer with a closed fist. A physical struggle continued on the first stair case landing causing both PO McDade and the subject to fall down the second portion of the stair case onto the platform of track # 17. PO McDade utilized his department issued OC spray on the subject as the subject was failing to comply with verbal commands and was continuing to physically resist. PO McDade transmitted an emergency request for assistance ("10-85") over his department radio. Upon arrival of assisting officers, the subject was physically subdued and successfully handcuffed.

PO McDade suffered injuries to his left ankle, left leg, and to his forehead. PO McDade complained of severe pain and immediate swelling was evident to his left ankle, left leg (below knee/shin), and forehead. PO McDade was unable to stand up on his own and unable to move his left leg. EMS was requested and responded to the platform of track # 17 to render aid to the injured member of service. PO McDade was removed to Bellevue Hospital by ambulance for further care and evaluation. Sgt. Richard Smith accompanied PO McDade in the ambulance to Bellevue Hospital.

The prisoner, Stephen Bain, was removed to District # 4 for processing. Upon placement into the District # 4 cell area, prisoner began to spit and flail his body striking himself on the floor, bench, and walls. Prisoner was handcuffed to the bench and ankle cuffs were placed to prevent further kicking. EMS was on scene in District # 4 at 0039 hours. NYPD Emergency Services Unit was requested for the violent prisoner whom was acting emotionally disturbed and/or under the influence of drugs and/or alcohol. NYPD Emergency Services Unit Truck # 1 responded to District # 4 at 0055 hours and flushed the prisoner's eyes with water for the OC spray exposure. They further subdued the prisoner with a restraining device. Prisoner was placed on a stretcher and removed to Bellevue Hospital by ambulance (ambulance # 08C, EMT # 6943) for further care and observation. PO Tully and PO Interdonati escorted the prisoner with EMS to Bellevue Hospital.

A telephone notification was made to Lieutenant Kevin Hoban of the MTAPD Internal Affairs Bureau. MTAPD Communications placed a telephone page notification to Inspector Kevin King, Commanding Officer of District # 4.

A Worker's Compensation package was completed for the injured member of service, PO McDade. A custodial injury package was completed for the injured prisoner.

MTAPD Arrest # 9073

NYPD Arrest # M06002101P, NYPD Fax # MO058956

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 7 of 13
Supervisor Signature		

Images

Date	Time	Officer	Type	Description
09/15/2006	03:32:59	D86418		FACE PHOTO OF PRISONER'S INJURIES



Report Officer
M86596/MCDADE, DANIEL F
Supervisor Signature

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ORIG

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:33:36	D86418		CLOSEUP FACE PHOTO OF PRISONER'S INJURY



Report Officer

M86596/MCDADE, DANIEL F

Supervisor Signature

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Incident Report

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ORIG

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:34:12	D86418		PRISONER'S FRONT FACE PHOTO IN RMP



Report Officer
M86596/MCDADE, DANIEL F
Supervisor Signature

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Incident Report

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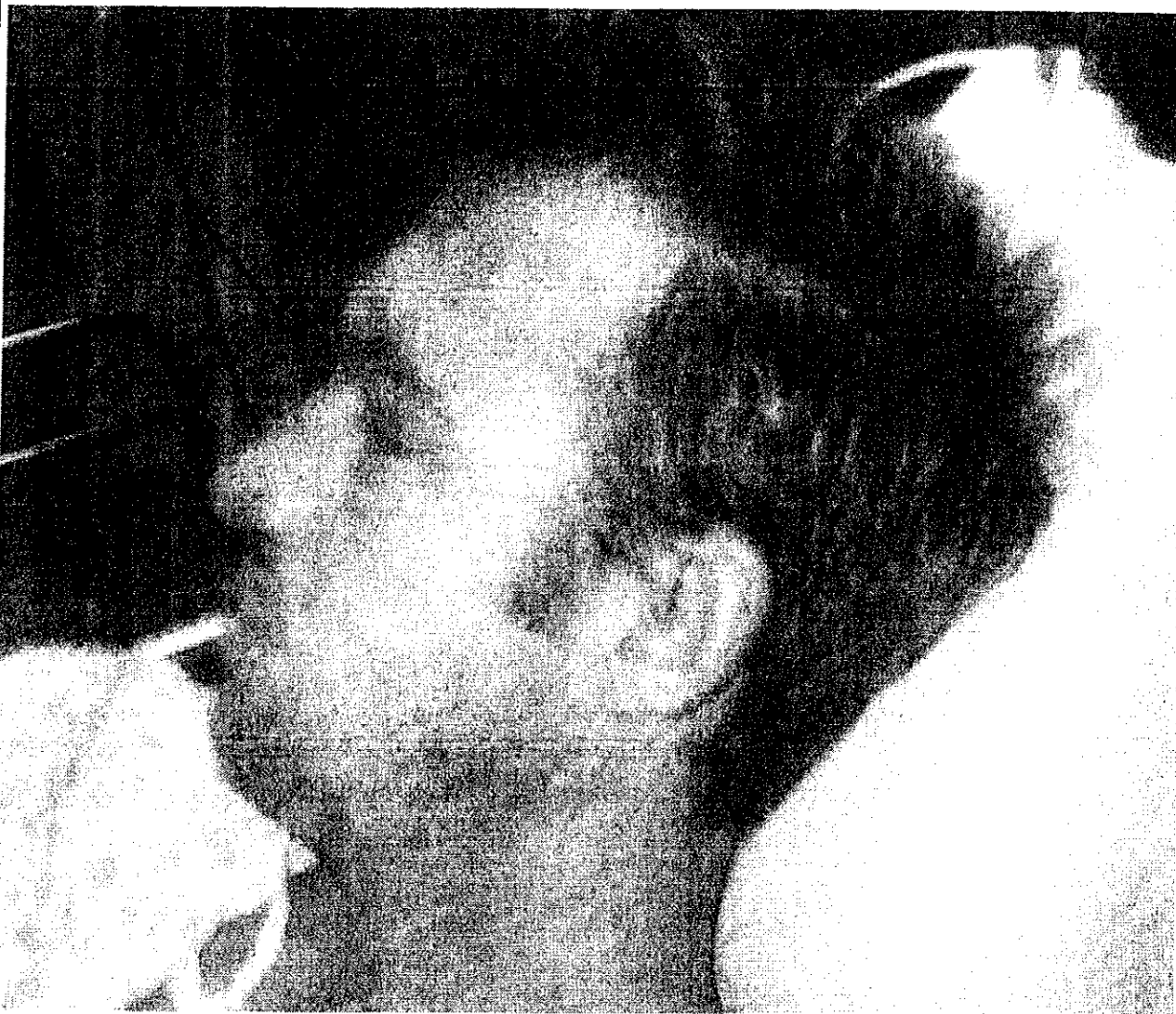
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ORIG

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:35:56	D86418		PRISONER'S LEFT FACE PROFILE



Report Officer
M86596/MCDADE, DANIEL F
Supervisor Signature

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ORIG

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:36:52	D86418		PRISONER'S RIGHT FACE PROFILE



Report Officer
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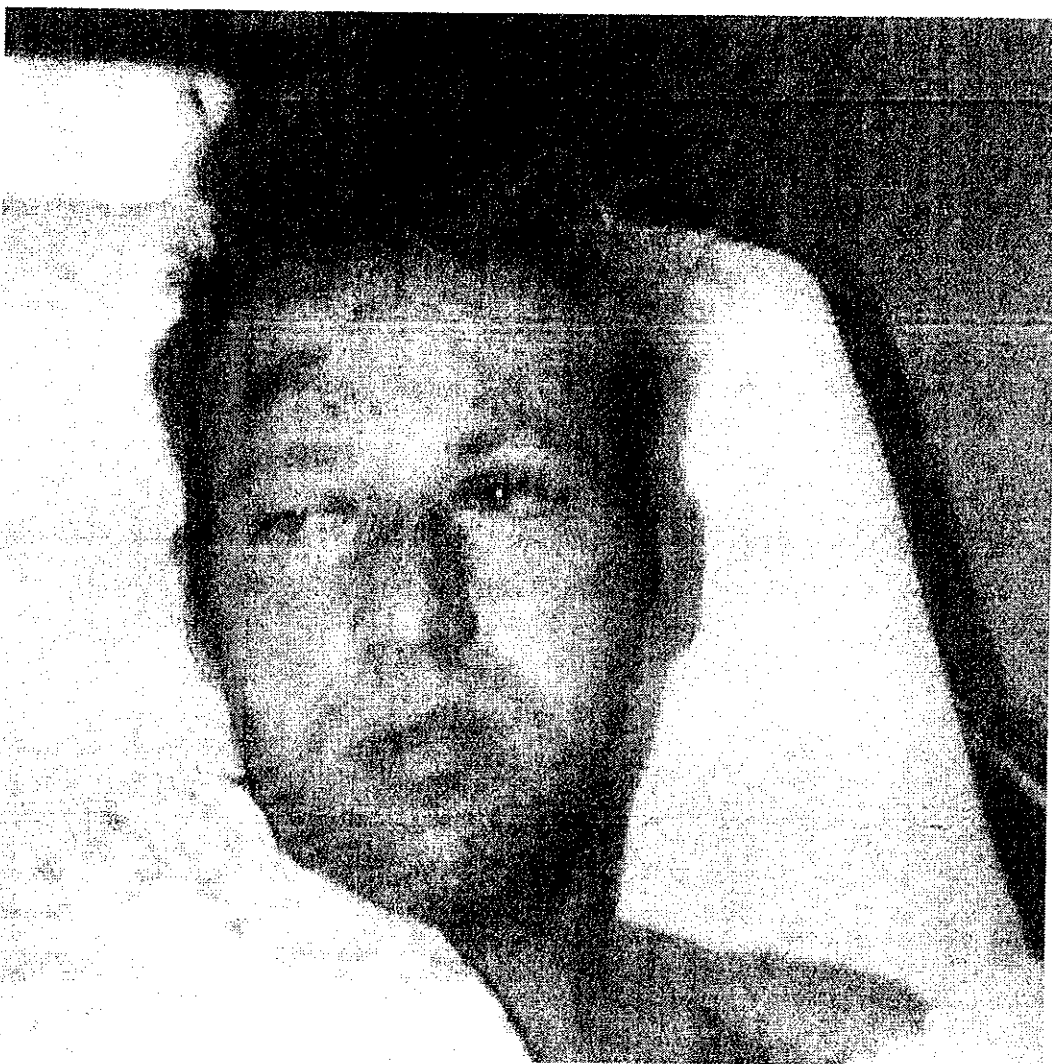
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Supplement No
ORIG

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:37:47	D86418		PRISONER'S FRONT FACE PHOTO



Report Officer

M86596/MCDADE, DANIEL F

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Supervisor Signature

Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

(212) 878-1000

Reported Date
09/13/2006
Nature of Call
ASSAULT
Officer
GUIDO, DANIEL

Case No 09-08021-VM Document 5 Filed 01/31/2008 Page 12 of 25

Supplement No
0001

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0001	Reported Date 09/13/2006	Reported Time 13:40	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer G86509/GUIDO, DANIEL			Assignment PATROL OFFICER		2nd Officer ARONSON, ROBERT A	
Assignment PATROL OFFICER		Entered by G86509	Assignment PATROL OFFICER		RMS Transfer Supplement Transfer Complete Prop Trans Stat Pending	
Transit ID NONE	Org Nature of Call 1013	CTV County of New York		Approving Officer R86170		Approval Date 09/17/2006
Approval Time 13:01:36						

Summary Narrative

Defendants property vouchered/defendant lodged in MCB.

Item	Involvement	In Custody?	Tag No	Item No	Serial No
1	SAFEKEEPING	Yes	E4115	1	SJUG1726FJ
Description Gray Motorola cell phone					
Brand MOTOLA		Model RAZOR		NYSIBR Type OTHER PROPERTY	# Pieces 1
RMS Transfer Successful		Article CELLPHONE			
Article PHONE					
Item	Involvement	In Custody?	Tag No	Item No	Serial No
2	SAFEKEEPING	Yes	E4155	4	
Description Borgota Hotel Card					
Article CARD		Brand HOTEL		NYSIBR Type PERSONAL PAPERS	# Pieces 1
RMS Transfer Successful		Article PERSONAL PAPERS			
Item	Involvement	In Custody?	Tag No	Item No	Serial No
3	SAFEKEEPING	Yes	E4115	5	
Description Best Buy Reward Card					
Article CARD		NYSIBR Type PERSONAL PAPERS		# Pieces 1	RMS Transfer Successful
Article PERSONAL PAPERS					
Item	Involvement	In Custody?	Tag No	Item No	Serial No
4	SAFEKEEPING	Yes	E4115	6	
Description Business Card					
Article CARD		NYSIBR Type PERSONAL PAPERS		# Pieces 1	RMS Transfer Successful
Article PERSONAL PAPERS					
Item	Involvement	In Custody?	Tag No	Item No	Serial No
5	SAFEKEEPING	Yes	E4115	2	4J544CGQTXL
Description Black Apple Ipod 60 GB					
Cat RADIO, STEREO, CD/DVD PLAYER DEVICES ETC		Article IPOD		Brand APPLE	Model IPOD
NYSIBR Type STEREO EQUIPMENT/TV/RADIO		# Pieces 1		RMS Transfer Successful	

Report Officer G86509/GUIDO, DANIEL	Printed At 01/08/2007 10:59	Page 1 of 2
Supervisor Signature		

Incident Report

Case No. CV-08021-VM

Document 5

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Supplement No
0001

M.T.A. POLICE DEPARTMENT

Item 6	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4155	Item No 3
Description White Head Phones				Typ A
Cat RADIO, STEREO, CD/DVD PLAYER DEVICES ETC			Article H/PHON	Brand APPLE
NYSIBR Type STEREO EQUIPMENT/TV/RADIO		# Pieces 1	RMS Transfer Successful	
Modus Operandi				
Crime Code(s) ASSAULT				
Narrative				

Defendant was released from Bellevue Hospital at 1059hrs. Defendant was concluded to be fit for confinement as per Dr. Johnston. Defendant lodged in MCB without further incident. Defendants personal property was vouchered for safekeeping.

Report Officer G86509/GUIDO, DANIEL	Printed At 01/08/2007 10:59	Page 2 of 2
Supervisor Signature		

Incident Report

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M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

Reported Date
09/14/2006

9TH FLOOR

Nature of Call
ASSALT
Officer
GUIDO, DANIEL

(212) 878-1000

Administrative Information

Agency	M.T.A. POLICE DEPARTMENT	Case No	06-12112	Supplement No	0002	Reported Date	09/14/2006	Reported Time	08:14	CAD Call No	062560009				
Status	ARREST MADE	Nature of Call	ASSAULT	Location	30 PENN STATION										
City	MANHATTAN	Rep Dist	MPST02	County	MANHATTAN	Beat	4J	From Date	09/13/2006	From Time	00:20	To Date	09/13/2006	To Time	00:28
Officer	G86509/GUIDO, DANIEL					Assignment	DISTRICT 4 A TOUR			2nd Officer	ARONSON, ROBERT A				
Assignment	DISTRICT 4 B TOUR		Entered by	G86509		Assignment	DISTRICT 4 A TOUR		RMS Transfer	Supplement Transfer Complete					
Property?	None	Transit ID	NONE		Org Nature of Call	1013		CTV	County of New York						
Approval Date	09/15/2006		Approval Time	03:19:50											

Summary Narrative

Prisoner removed from Manhattan Central Booking and brought back to Bellevue Hospital for further care/evaluation.

Narrative

Unit advised by District #4 supervision at 1550 hours to respond to Manhattan Central Booking and remove prisoner to Bellevue Hospital. Dr. Johnston advised NYPD court personnel that they needed to administer further medical attention. Prisoner brought to Bellevue Hospital without incident.

Report Officer	G86509/GUIDO, DANIEL	Printed At	01/08/2007 10:59	Page 1 of 1
Supervisor Signature				

Incident Report

Case# 07-cv-08021-VM

Document 5

Filed 01/31/2008

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Supplement No

0003

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

Reported Date

09/13/2006

Nature of Call

ASSALT

Officer

RIKER, ERIC S

(212) 878-1000

Administrative Information

Agency	M.T.A. POLICE DEPARTMENT	Case No	06-12112	Supplement No	0003	Reported Date	09/13/2006	Reported Time	16:40	CAD Call No	062560009				
Status	ARREST MADE	Nature of Call	ASSAULT	Location	1 PENN STATION										
City	MANHATTAN	Rep Dist	MPST02	County	MANHATTAN	Beat	NA	From Date	09/13/2006	From Time	00:20	To Date	09/13/2006	To Time	00:28
Officer	R86169/RIKER, ERIC S				Assignment	PATROL LIEUTENANT			2nd Officer				ARONSON, ROBERT A		
Assignment	PATROL OFFICER		Entered by	R86169	Assignment	PATROL LIEUTENANT			RMS Transfer Supplement Transfer Complete						
Transit ID	NONE	Org Nature of Call	1013	CTV	County of New York			Approving Officer	R86170			Approval Date 09/17/2006			
Approval Time	13:02:24														

Summary Narrative

Bedside arraignment conducted at Bellevue Hospital.

DISTRICT ATTORNEY 1: LAPORTE

Involvement	DISTRICT ATTORNEY	Seq	1	Type	GOVERNMENT	Name	LAPORTE	MNI	288856
RMS Transfer	Successful								
Employer/School	NEW YORK CITY			Position/Grade	JUDGE				

Modus Operandi

Crime Code(s)

ASSAULT

Narrative

On September 15, 2006 at 1430 hours a bedside arraignment was conducted for the Defendant, Stephan Bain, by Judge Laporte at Bellevue Hospital. The defendant was released on his own recognizance. Prisoner watch concluded.

Report Officer	R86169/RIKER, ERIC S	Printed At	01/08/2007 10:59	Page 1 of 1
Supervisor Signature				

Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

Reported Date
09/20/2006
Nature of Call
ASSALT
Officer
DEPOLA, JAMES

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0004	Reported Date 09/20/2006	Reported Time 09:33	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer D86127/DEPOLA, JAMES			Assignment DETECTIVE DIVISION		2nd Officer ARONSON, ROBERT A	
Assignment PATROL OFFICER	Entered by D86127	Assignment DETECTIVE DIVISION		Confidential CONFIDENTIAL DETECTIVE REPORT		
RMS Transfer Supplement Transfer Complete		Transit ID NONE	Org Nature of Call 1013	CTV County of New York		
Approving Officer R86128		Approval Date 10/03/2006	Approval Time 09:07:21			
NYSPI CRIMINAL HISTORY CHECK MADE Yes		NYSPI - APPROPRIATE FILE MSG SENT Yes				

Summary Narrative

Assignment: Arrest Enhancement

Subject: Case Assignment

Case Status: Closed - Arrest Enhancement

Modus Operandi

Crime Code(s)
ASSAULT

Narrative

On Monday, September 18, 2006 I, Detective DePola was assigned to investigate MTA Incident #06-12112 under DD #06-00828.

The defendant was arrested on September 13, 2006 for assault, disorderly conduct and resisting arrest. An E-Justice Inquiry was conducted and revealed that the defendant has no prior arrest record. A copy of the E-Justice report is enclosed in this case folder. Also, a Tiburon check was also conducted and showed this defendant has had no prior contact with this command.

A file 13 has been sent regarding this arrest and a copy is enclosed in the case folder. No open cases within this command could be linked to this defendant and this case is closed as arrest enhancement.

Case Status: Closed - Arrest Enhancement (AE)

Report Officer D86127/DEPOLA, JAMES	Printed At 01/08/2007 11:00	Page 1 of 1
Supervisor Signature		

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.

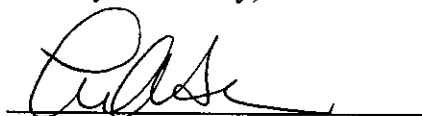
That on the 31st day of January, 2008, deponent served the within **INITIAL DISCOVERY FRCP 26(a)(1)** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

JOSEPH T. MULLEN, JR. & ASSOCIATES
30 Vesey Street, 15th Floor
New York, New York 10007
212.766.1177

MICHAEL A. CARDOZO,
Corporation Counsel of the City of New York
Attorneys for Defendants
CITY OF NEW YORK and NEW YORK CITY
POLICE DEPARTMENT
100 Church Street
Room 3-199
New York, New York 10007


VERONICA C. McKENNA

Sworn to before me this
31st day of January, 2008.


Lois A. Skula
Notary Public, State of New York
Registration No.: 4966255
Qualified in Suffolk County
Commission Expires :May 1, 2010

SHOJ  SIMET

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Year 20

STEPHEN BAIN,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, METROPOLITAN
TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION POLICE
DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG
ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious)- POLICE OFFICERS,

Defendant.

Initial Discovery FRCP 26(a)(1)LEWIS  JOHSLewis ~~Defendant~~ Aviles, LLP

Counsellors at Law

Attorneys for

Office and Post Office Address
21 East Second Street • Riverhead, NY 11901
631.369.7600 • Fax 631.369.7680
FILE #:

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed
document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at

of which the within is a true copy will be presented for
one of the judges

on

20

at

M.

Dated,

Yours, etc.

LEWIS  JOHS